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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILLIAM T. WEBSTER,

Plaintiff,

v.

ADVANCED MANAGEMENT GROUP
NEVADA, LLC, *et al.*,

Defendants.

Case No. 2:10-CV-01390-KJD-RJJ

ORDER

Presently before the Court is Plaintiff's Motion for Relief from Judgment (#37) pursuant to Federal Rule of Civil Procedure 60(b)(4). Previously, the Court had granted Defendants' motions to dismiss and entered Judgment (#21) for Defendants and against Plaintiff. On March 15, 2012, the Court granted (#24) Defendants' motion for attorneys fees finding that Plaintiff was aware that his claims were frivolous when he filed his complaint. Plaintiff appealed the award of attorney's fees and the appeal was dismissed on July 16, 2012.

Plaintiff asserts that the Judgment (#25) awarding attorney's fees is void under Rule 60(b)(4). "A final judgment is 'void' for purposes of Rule 60(b)(4) only if the court that considered it lacked jurisdiction, either as to the subject matter of the dispute or over the parties to be bound, or acted in a manner inconsistent with due process of law." *United States v. Berke*, 170 F.3d 882, 883 (9th Cir.

1 1999). Here, Plaintiff asserts that the magistrate judge should have recused himself and was clearly
2 personally biased and prejudiced against Plaintiff. Even if Plaintiff was correct that the magistrate
3 judge should have recused himself in this action, the magistrate judge did not enter the orders
4 Plaintiff seeks to have vacated, or take any action prejudicial to Plaintiff. Therefore, the Court
5 cannot find that the final judgment in this case is void, because the Court did not act in a manner
6 inconsistent with due process of law in entering the judgments.

7 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Relief from Judgment
8 (#37) pursuant to Federal Rule of Civil Procedure 60(b)(4) is **DENIED**.

9 DATED this 4th day of March 2013.

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Kent J. Dawson
United States District Judge